

FILED

OCT 29 2002

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:02-00231

JOHN DAVID MOONEY

MOTION FOR DETENTION HEARING

The United States moves this Court to hold a detention hearing pursuant to 18 U.S.C. § 3142(f) to determine whether any condition or combination of conditions will reasonably assure the appearance of defendant as required and the safety of other persons and of the community.

1. Eligibility of Case. This case involves a:

- ☐ crime of violence [18 U.S.C. § 3142(f)(1)(a)]
- ☐ maximum sentence life imprisonment or death [18 U.S.C. § 3142(f)(1)(B)]
- ☐ 10+ year controlled substance offense [18 U.S.C. § 3142(f)(1)(C)]
- ☒ felony, with two prior convictions in above categories [18 U.S.C. § 3142(f)(1)(D)]
- ☐ serious risk defendant will flee [18 U.S.C. § 3142(f)(2)(A)]
- ☐ serious risk of obstruction of justice [18 U.S.C. § 3142(f)(2)(B)]

2. Reason for Detention. The court should detain defendant because no conditions of release will reasonably assure (check one or both):

- ☐ Defendant's appearance as required
- ☒ Safety of any other person and the community

✱

3. Rebuttable Presumption. The United States will (not) invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e). (If yes) The presumption applies because (check one or both):

_____ Probable cause to believe defendant committed 10+ year controlled substance offense.

_____ Previous conviction for "eligible" offense committed while on pretrial bond. Eligible offenses are the first four categories listed under Paragraph 1 of this motion.

4. Time for Detention Hearing. The United States requests the court conduct the detention hearing,

_____ At first appearance

 X After continuance of 3 days (not more than 3).

5. Temporary Detention. The United States moves the court to detain the defendant during any continuance and pending completion of the detention hearing.

6. Other Matters.

DATED this 29th day of October, 2002.

UNITED STATES ATTORNEY
KASEY WARNER

By: 

MILLER A. BUSHONG III
Assistant United States Attorney